

## REMARKS

Claims 1 to 9 are currently pending in the application. No amendments have been introduced by this paper. The Examiner is respectfully requested to reconsider the application and further remarks.

Claims 1 to 9 have been rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. This rejection is respectfully traversed.

As it was discussed previously the present invention aims to resolve the several problems of the conventional Internet Protocol packet priority control systems. Particularly, in the IP networks, image data is frequently handled steadily for browsing Web pages with browsers. The image data usually included in an HTTP transaction which is likely substantially occupy a communication band. Thus, control information vulnerable to delay and sound data requiring real time processing shows data delay, fluctuations, data loss and the like on the networks due to the occupation of the communication band by the image data. These effects take place on wired networks in WAN (Wide Area Network) lines for connecting LANs (Local Area Network) due to the fact that WAN line cannot ensure a sufficient band. The common practice to reduce a negative effects of the insufficient band is to put high priority on control information with QoS control in a router connected to an exit or the WAN line. However, this practice significantly reduces a transmission speed. Therefore, the Applicant proposes to improve communication without affecting the speed transmission by assigning a priority of each session not in a router on a port-by-port but in a terminal or in a server, setting on a session-by-session basis, and further passing it to a standard API (Application Programming Interface). The advantages of the present invention resides in the elimination of needs of mounting CPU of high performance on the cellular phone and usage of Differentiated Services is not necessary due to the fact that a priority setting is realized on session-by-session basis.

The Examiner states in the Office Action that the amendment made in the previous response introduces subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. Applicant respectfully disagrees and respectfully submits that the amendment is supported by the original disclosure and gives clear description of the present invention. Rejecting the claims 1 to 9 under 35 U.S.C. §112, first paragraph, the Examiner specifically cites the previously added paragraph in claim 1, "...wherein said priority parameter including priority information, a port number and IP address from an application with a higher priority on control information vulnerable to delay than image data...". Additionally, the Examiner states that there is "a doubt as to the scope of the subject matter, which applicant regards as the invention, because the person of ordinary skill in the art would not know how the priority parameter can include "priority information, a port number and IP address from an application with a higher priority on control information vulnerable to delay than image data". Responding to this rejection, the Applicant respectfully submits that the Examiner's statement is quite vague and does not clearly explain why the claim 1 as amended creates a doubt as to the scope of the subject matter. The Applicant assumes that the Examiner cannot not find enough support for the claimed priority parameters in the specification. However, as previously was stated, the amendment of claim 1 is totally supported by the specification. Specifically, the priority parameters presented in the amended claim 1 are listed in lines 1 to 5 of page 4 of the specification, wherein a summary of the claimed invention is presented. Further, in lines 6 to 11 the specification on page 4 the Applicant presents the essence of the present invention, "The priority parameter passing in Diff-serv is performed at an interface position changed from conventional QoS priority on a port-by-port basis to QoS priority on a session-by-session basis of the present invention as shown in Fig. 1 showing a configuration of a terminal and a server for use on the Internet." (Emphasis added) All these aspects of the claimed invention well illustrated in Figure 1 of the present

disclosure. Particularly, priority parameters like IP address 141, 241, a port numbers 131, 132, 133, 231, 232 are shown in Figure 1. In making the rejection the Examiner states that, the claim 1 “leaves a doubt as to the scope of the subject matter, which applicant regards as the invention, because the person of ordinary skill in the art would not know how the priority parameter can include “priority information, a port number and IP address from an application with a higher priority on control information vulnerable to delay than image data”. (emphasize kept as in original) It is not quite clear for the Applicant why the Examiner assumes that a person of ordinary skill in the art would not know how the priority parameter can include priority information, a port number and IP address, since all these parameters are presented and discussed in the disclosure. The Applicant respectfully submits that all limitations introduced into claim 1 presented by the previous amendment are well supported by the original disclosure and therefore should be considered.

In order to support the above argument and since the rejection of claims under 35 U.S.C. §112, first paragraph, has been presented the first time during a prosecution of this application, the Applicant submits a Declaration under 37 C.F.R. §1.132 from Mr. Akira Koyama. Mr. Koyama is an expert in the art and he is a senior manager of the Mobile Terminal Technology Division of the Software Assurance Department of NEC Communications Co., Ltd. The Examiner is respectfully requested to reconsider the application in view of the above arguments and the Declaration attached.

Further, the Examiner has not stated in the Office Action that a prior art rejection is still maintained. The Examiner is respectfully requested to clarify the issue if the prior art rejection for purposes of appeal.

In view of the foregoing, it is respectfully requested that the application be reconsidered, that claims 1 to 9 be allowed, and that the application be passed to issue.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local

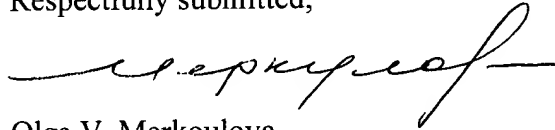
Docket 01480071AA  
Serial No.: 09/862,470

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telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

A provisional petition is hereby made for any extension of time necessary for the continued pendency during the life of this application. Please charge any fees for such provisional petition and any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041 (Whitham, Curstis & Christofferson, P.C.).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'O. Merkoulouva', written over a horizontal line.

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